

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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CIVIL No. 12-CV-2669 (SRN/TNL)

JAMES W. SMITH, JR.,  
*ON HIS OWN BEHALF AND ON BEHALF OF THOSE*  
*SIMILARLY SITUATED,*

PLAINTIFF,

**ORDER**

V.

QUESTAR CAPITAL CORPORATION,  
YORKTOWN FINANCIAL COMPANIES, INC.,  
AND ALLIANCE LIFE INSURANCE COMPANIES  
OF NORTH AMERICA,

DEFENDANTS.

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TO: Plaintiff and Plaintiff's attorneys Bradford M. Gucciardo and Scott D. Hirsch, Scarlett & Gucciardo PA, 160 S.E. Sixth Avenue Suite B-2, Delray Beach, FL 33483; Daniel E. Gustafson, David A. Goodwin, and Karla M Gluek, Gustafson Gluek PLLC, 120 South 6th Street, Suite 2600, Mpls, MN 55402; Robert E. Gordon and Scott L. Adkins, Gordon & Doner PA, 4114 Northlake Blvd., Palm Beach Gardens, FL 33410;

Defendants and Defendants' attorneys Anthony N. Cicchetti, Jorden Burt LLP, 175 Powder Forest Drive, Simsbury, CT 06089-9658; James F. Jorden and Roland C Goss, Jorden Burt, LLP, 1025 Thomas Jefferson St NW Ste 400E, Washington, DC 20007; and Wendy J Wildung, Faegre Baker Daniels LLP, 90 S 7th St Ste 2200, Mpls, MN 55402-3901.

On January 2, 2013 Defendants filed a Motion to Dismiss (Docket No. 16) in this matter.

**IT IS HEREBY ORDERED:**

1. Within 30 days of the Motion to Dismiss being denied or granted in part, Plaintiff shall contact the chambers of Magistrate Judge Tony Leung, by letter or e-mail, for the purpose of scheduling a pretrial conference.
2. Failure to comply with this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to

object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Dated: January 3, 2013

*s/ Tony N. Leung*

Magistrate Judge Tony N. Leung

United States District Court

*Smith v. Questar Capital Corp. et al.*

12CV2669